

REMARKS

This Amendment is being filed in response to the Office Action mailed October 18, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, the Examiner objected to the drawings because of lack of reference numeral 1 in FIG 1 and the inclusion of reference characters C and D in FIG 5 without mention thereof in the specification. In response, reference numeral 1 in FIG 1. Further, the specification has been amended to include reference characters C and D. A Replacement sheet including FIG 1 is enclosed. Applicants respectfully request withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP

§608.01(a).

In the office action, the Examiner objected to the specification for certain informalities. In response, the specification has been amended to correct the informalities noted by the Examiner. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, the Examiner objected to claims 1 and 3-5 for certain informalities. In response, claims 1-3 and 5-7 have been amended to remove the informalities noted by the Examiner, as well as other informalities for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to "--wherein--". Claims 1-3 and 5-7 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Accordingly, withdrawal of the objection to claims 1 and 3-5 is respectfully requested.

In the Office Action, claims 1-2 and 5-6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,280,409 (Stone). Further, claims 1-3 and 5-7 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 01/89365 (Mault).

Claims 1-2, 4-6 and 8 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0116080 (Birnbach). It is respectfully submitted that claims 1-3, 5-7 and 9-11 are patentable over Stone, Mault and Birnbach for at least the following reasons.

FIG 2 and paragraphs [0050], [0066] of Birnbach are cited in rejecting claims 4 and 8. Paragraphs [0050] specifically recites:

The deactivation means 24 may be a button or other switch that serves as a user input to the processor. The purpose of deactivation means 24 is to provide the user of the device 18 with a method of preventing an alert from occurring.
(emphasis added)

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 5 and 9, amongst other patentable elements requires (illustrative emphasis provided):

receive an input from a user indicating presence of external motion effects on the entity to which the monitor is attached;
in response to the input, apply a correction calculation to the sensor signals to form corrected signals, in order to remove the external motion effects from the sensor signals;
and
store the corrected signals.

It is respectfully submitted that removing external effect to form corrected signals and storing the corrected signals is nowhere taught or suggested in Birnbach. Rather, Birnbach merely teaches preventing an alert from occurring in response to user input. Birnbach simply does not teach or suggest removing external effects to form a corrected signal, let alone teaching or suggesting storing the corrected signal. Stone and Mault are cited to allegedly show other features and do not remedy the deficiencies in Birnbach.


Accordingly, it is respectfully submitted that independent claims 1, 5 and 9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 6-7 and 10-11 should also be allowed based at least on their dependence from independent claims 1, 5 and 9.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: Replacement drawing sheet (1 sheet including FIG 1)

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